

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

3 CASE NO.: 2019DR002547XXXXSB
4 DIVISION: FX

5 NICOLE GUERRIERO,

6 Petitioner,

7 vs.

8 BETHANY FEDORENCHIK GUERRIERO,

9 Respondent.

10 _____/

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15 - - -
16 DEPOSITION OF COLLEEN DUNNE
17 A WITNESS
18 TAKEN BY THE RESPONDENT
19 - - -
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22
23

24 MONDAY, MAY 6, 2019

25 12:32 P.M. - 1:33 P.M.

1 I N D E X

2

3 MONDAY, MAY 6, 2019

4 COLLEEN DUNNE

5 DIRECT CROSS REDIRECT RECROSS

6 By Ms. King 4

7 By Ms. Reid (No questions asked.)

8

9

10 E X H I B I T S

11

12 RESPONDENT'S DESCRIPTION ID'D MARKED

13

14 (No exhibits marked.)

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17

18 C E R T I F I E D Q U E S T I O N

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20 Page 12, Line 16

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23

24 Signature letter to Colleen Dunne

25 Errata Sheet (to be forwarded on execution)

1 The deposition of COLLEEN DUNNE, a Witness
2 in the above-entitled and numbered cause, was taken
3 before me, Beth L. Kelly, Florida Professional
4 Reporter, Notary Public for the State of Florida at
5 Large, at Law Offices of Nellie L. King, PA, 319
6 Clematis Street, Suite 107, in the City of West Palm
7 Beach, County of Palm Beach, State of Florida, on
8 Monday, the 6th day of May, 2019.

9

10 APPEARING ON BEHALF OF PETITIONER:

11 ANDREA REID, ESQ.
12 THE REID LAW GROUP
13 2101 NW Corporate Boulevard, Suite 410
14 Boca Raton, FL 33431
15 (561) 948-5685

16

17 APPEARING ON BEHALF OF RESPONDENT:

18 NELLIE KING, ESQ.
19 LAW OFFICES OF NELLIE L. KING, PA
20 319 Clematis Street, Suite 107
21 West Palm Beach, FL 33401
22 (561) 833-1084

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1 THEREUPON,

2 COLLEEN DUNNE,

3 having been first duly sworn by me, was examined and

4 testified as follows:

5 THE WITNESS: I do.

6 DIRECT EXAMINATION

7 BY MS. KING:

8 Q. All right. Can you state your name for
9 the record?

10 A. Colleen Dunne.

11 Q. And where do you work?

12 A. State attorney's office in Monroe County.

13 Q. And how long have you worked there?

14 A. I started in 2000 and left in 2004, came
15 back in 2009 to the present.

16 Q. What year did you graduate from law
17 school?

18 A. '96.

19 Q. All right. So let's start from your
20 graduation. What was your first law school -- or
21 job out of law school?

22 A. I worked with Martin Weinberg and --
23 Martin Weinberg in Boston.

24 Q. Martin Weinberg in Boston?

25 A. Yes.

1 Q. Okay. And what did you do for Martin?

2 A. I was there during law school, so I was
3 kind of a law clerk. And then when I graduated from
4 law school, he had a huge case in Miami and I came
5 down and spent six months in federal trial with him
6 and Al Krieger.

7 Q. Okay. So doing defense work?

8 A. Yeah, defense work. I'm sorry. Yes.

9 Q. All right. So just give me the time
10 frame.

11 A. Sure. And then after that I stayed in
12 Miami, worked with Jeffrey Weiner in his firm, and
13 then went to the state attorney's office from there.

14 Q. How long did you work with Jeff?

15 A. I think maybe a year or two. I think
16 about a year or two with him and Mycki Ratzan.

17 Q. Why did you leave there?

18 A. Because I had -- I really wanted to do
19 trial work and working with them -- I mean, I'm sure
20 you know they're pretty top -- top dollar. There
21 wasn't much small work for me to do. It was more
22 like I watched what they did. And then I really
23 wanted to get back into court and do things like
24 that.

25 Q. So it was an amicable --

1 A. Oh, absolutely, yeah.

2 Q. -- amicable separation?

3 A. Yeah. I see him. He comes down to the
4 Keys and he's his crazy self at times.

5 Q. Okay. So what year --

6 A. Then 2000 I started in the state
7 attorney's office. I stayed there probably till
8 2004, and then I went to the PD's office for a year
9 down in the Keys. Then I did defense work -- I came
10 up to Miami and did defense work with Jonathan
11 Schwartz out of Miami. And then when Dennis Ward
12 was elected state attorney, I believe it was 2009, I
13 returned back to the Keys and worked at the state
14 attorney's since then.

15 Q. Okay. So you've been in the state as well
16 as done defense work?

17 A. Yes, yes.

18 Q. When you went -- when you worked at the
19 PD's office, was that a situation where you
20 resigned, fired or --

21 A. No, I left because the money was better in
22 Miami.

23 Q. Okay. And then with any of these jobs,
24 was there ever a situation where you were fired?

25 A. No.

1 Q. Who do you work for? Who's the elected
2 state attorney now?

3 A. Dennis Ward.

4 Q. And what is your position in Ward's
5 office?

6 A. I'm currently the major crimes prosecutor
7 in the Key West office and handle all the major
8 crimes in Key West and Marathon.

9 Q. You would know my friend Hal.

10 A. Hal Schuhmacher, yes. I know Hal very
11 well.

12 Q. There's not many defense lawyers down
13 there.

14 A. No, there's not. They're usually defense
15 or family, but Hal's -- no, I'm saying they're
16 usually multifaceted, but Hal is one of the few.

17 Q. That just does criminal, right?

18 A. Yeah.

19 Q. All right. So 2009 you came back to the
20 Keys, you're in major crimes. Do you have that
21 position consistently since 2009?

22 A. No, no, 2009 I was the supervisor in the
23 Upper Keys office and then I went to the Key West
24 office. I became the major crimes prosecutor
25 probably two years ago when we had changes in the

1 office. People -- one of our prosecutors was
2 appointed as a judge. So ...

3 Q. Do you live in Key West?

4 A. I live in Key West.

5 Q. Okay. Are you married?

6 A. No.

7 Q. Any children?

8 A. No.

9 Q. In any of these jobs for government
10 offices, did you ever have any personnel complaints
11 lodged against you in your personnel record either
12 from clients, supervisors, or other lawyers?

13 A. No. I don't -- no, not that I believe so.

14 Q. I mean, you would be confronted with that
15 if you did, right?

16 A. Right. Well, you asked for supervisor --
17 I mean, I don't know of any supervisors that
18 complained about me. You said supervisors.

19 Q. Clients?

20 A. I had one client as a defense attorney. I
21 think he wrote the one letter and it was -- I
22 answered the preliminary response.

23 Q. To the Florida Bar?

24 A. Yeah. It was over a fee.

25 Q. Which firm did you work for?

1 A. I worked for myself.

2 Q. What was the name of your law firm?

3 A. Just Colleen M. Dunne.

4 Q. Okay.

5 A. And then --

6 Q. What happened with that complaint?

7 A. I think it -- well, whatever happens,
8 like, when they say it's not warranted or -- like
9 that first letter.

10 Q. Uh-huh.

11 A. And then -- but there is -- there's
12 currently a Bar complaint right now with respect to
13 my position at the state attorney's office lodged by
14 William Skinner, a person I prosecuted. He was
15 sentenced to two life sentences.

16 Q. And what is the status of that Bar
17 complaint?

18 A. It's still open.

19 Q. Is it going to trial?

20 A. I mean, it's still open. I don't know how
21 else to ...

22 Q. Do you have an attorney?

23 A. Buddy Jacobs handles all of the Florida
24 prosecutors', I guess, litigation.

25 Q. Where is it being litigated? Like, what

1 county or --

2 A. Well, it's Monroe County. That's -- I
3 mean -- so I'm not sure how jurisdictionally --

4 Q. Have you had hearings on it?

5 A. No, I have not had a hearing on it.

6 Q. Okay.

7 A. They went to the grievance committee.
8 There hasn't been any formal hearings on it.

9 Q. No telephonic hearings?

10 A. No, no.

11 Q. Like Buddy Jacobs --

12 A. Unless he's had them. But he would have
13 told me.

14 Q. Okay. And what's the upshot of that
15 complaint?

16 A. Because it's open, I'm not going to
17 discuss it.

18 Q. Okay.

19 A. As you can imagine.

20 Q. That's fair. I can read it.

21 Okay. Have you ever been arrested?

22 A. No.

23 Q. Ever treated for mental health or
24 substance abuse issues?

25 A. No.

1 Q. What types of cases do you handle?

2 A. Right now, homicides, attempted homicides,
3 any capital sexual battery cases. Any major crimes
4 that come in, they'll either be handled by me
5 after -- you know, reviewed by myself and our chief.

6 Q. Are you a supervisor over other people?

7 A. No.

8 Q. You kind of -- you work alone?

9 A. Yes. I mean, I answer to Mr. Ward and
10 Mr. Winter, but --

11 Q. Like, you're not a division chief?

12 A. No. Our office isn't that big to have
13 something like that.

14 Q. Okay. And so if you are in court, is it
15 always in Key West or is it up and down?

16 A. It can be up and down depending on if I
17 had a case in Marathon. And sometimes there have
18 been situations where a judge recuses himself in Key
19 West and I've had to go to Plantation Key.

20 Q. All right. So tell me what you know about
21 this situation with Bethany Guerriero. Tell me your
22 basis of information or knowledge.

23 A. From what -- as what I know right now
24 or --

25 Q. Uh-huh.

1 A. Well, I'm aware of the restraining order.
2 I'm aware of the criminal case. I'm aware of the 44
3 plus thousand text messages between the two of them,
4 e-mails.

5 Q. Have you read them?

6 A. Yes.

7 Q. All of them?

8 A. Pretty much all of them.

9 Q. Okay. And why were you reading all of
10 these?

11 A. When your client sent an e-mail and
12 referenced me to Ms. Guerriero and made comments, it
13 made me very concerned about where she was going
14 with this. And so I wanted to fully understand for
15 myself what I was potentially dealing with.

16 Q. Are you in a romantic relationship with
17 Nicole?

18 A. Based upon what your client's done and how
19 she's acted about anyone in her life, whether it's
20 true or not, I'm not going to discuss that.

21 Q. Okay. You have to answer the question.
22 Because you're aware of what happens in depositions.
23 It's not tied to what would happen in trial. I'm
24 asking the question. You have to answer the
25 question.

1 A. Unless the judge tells me to, I just --
2 based upon the nature of the claim against your
3 client and what she did when she sees someone in her
4 life, I'm not going to answer that question. I've
5 seen what she did. No matter whether she believes
6 me or not, I'm not going to be subjected, nor
7 Ms. Guerriero, nor Kennedy subjected to it.

8 Q. Okay.

9 A. I mean, if the judge wants me to answer
10 it, I will, but at this point, after what I've read,
11 no.

12 Q. So you're certifying the question?

13 A. Yes.

14 Q. When did you meet Nicole?

15 A. June 2017 when we had a bond hearing on --
16 in the case in which Ms. Braswell was killed.

17 Q. Did Nicole testify at the bond hearing?

18 A. No. The only person who testified was
19 Bernenda, the victim who survived.

20 Q. So you met her in June 2017 -- you met
21 Nicole in June 2017?

22 A. Yes.

23 Q. And is she a witness in the case?

24 A. No.

25 Q. She gave victim impact testimony at the

1 sentencing hearing recently, correct?

2 A. She read a letter from Ms. Braswell's -- I
3 think it was her god daughter. She read the letter
4 to the court.

5 Q. Okay. So she provided testimony to the
6 court?

7 A. Well, she read a letter.

8 Q. Was she placed under oath?

9 A. You know, I'm not sure if she did or not.
10 I can't remember if Judge Jones put everyone under
11 oath. I'm not sure. But the transcript will show
12 it.

13 Q. So how many times have you spent the night
14 at Nicole's house?

15 A. I couldn't tell you. The last seven weeks
16 since your client has not had any contact with
17 Kennedy, I've been there more to help out with the
18 scheduling.

19 Q. How long does it take you to drive up
20 here?

21 A. Probably four and a half hours.

22 Q. So before the restraining order in
23 December of 2018, you were in a relationship with
24 Nicole at that time, weren't you?

25 A. Again, I'm not going to comment about the

1 status of my friendship with Ms. Guerriero.

2 Q. Okay. You're qualifying it as a
3 friendship. I'm asking you specifically whether
4 you're in an intimate relationship with Nicole.

5 A. Based upon how your client perceives
6 things and what she does with the information,
7 whether it's true or not, I don't feel comfortable
8 answering.

9 Q. Back in December of 2018 you all had a
10 planned trip where Nicole was coming down to the
11 Keys to spend time with you, correct?

12 A. December 2018?

13 Q. Yes.

14 A. Absolutely -- that -- that would be last
15 December. Absolutely not.

16 Q. Okay. When was the trip where Bethany --
17 or, excuse me, where Nicole was coming to visit you?

18 Let's start with the first one. How many
19 times has she spent the night at your house?

20 A. Nicole and Kennedy spent the night at my
21 house in March -- that is the first time -- when
22 they came down to visit for Spring Break.

23 Q. I might have misspoken.

24 A. Yeah.

25 Q. I'm sorry. Just give me one second.

1 A. That's why when you were saying December
2 I'm like, no.

3 Q. Well, let's talk about the first time --
4 forget about Kennedy -- the first time that Nicole
5 spent the night at your house or spent the night
6 with you anywhere, her house, your house, wherever.

7 A. The first night -- the first time that
8 Nicole spent the night at my house was with Kennedy
9 in March of -- of this year, 2019.

10 Q. Okay. Do you remember the exact dates?

11 A. I think it was a Wednesday night and a
12 Thursday night.

13 Q. And what was the purpose of that trip?

14 A. Kennedy's Spring Break. She was going to
15 go swim with the dolphins and -- it was Spring
16 Break.

17 Q. Okay. Just give me one second.

18 A. Sure.

19 Q. Were you aware at that time that Bethany
20 had requested information about where Nicole would
21 be taking Kennedy on that trip?

22 A. I was made aware of that request on --
23 when the restraining order -- after the restraining
24 order was obtained. I believe the e-mail came in
25 right after Nicole advised that she had the

1 restraining order.

2 Q. Well, the communication's asking for the
3 address earlier in the day, remember?

4 A. I was not aware of a communication prior
5 to. I know that there was an e-mail from the lawyer
6 demanding the address.

7 I know prior to that, because I've seen
8 the e-mails, that your client was requesting the
9 address and Nicole responded that she wasn't
10 comfortable giving the address, but explained
11 there's a phone, she'll be with me. And then I
12 think the demand came after.

13 Q. Okay. So you're aware of this entire
14 exchange because you're in the middle of it, right?

15 A. I wouldn't say the middle. I was -- I
16 mean, I was aware that there was a request by the
17 attorney, but at the time the restraining order was
18 already obtained. And I believe Nicole responded
19 back to the attorney.

20 Q. Is that what Nicole told you?

21 A. No, I saw -- I've seen the e-mails.

22 Q. No, I mean -- it's your representation
23 that the restraining order was obtained and then
24 just by happenstance she asked where you're going to
25 be in the Keys?

1 A. No, no, no. The day that Ms. Guerriero
2 obtained the restraining order, I was with Kennedy.
3 I was taking care of Kennedy. It was a Tuesday.
4 Because we planned on going to the Keys on
5 Wednesday.

6 Q. Okay. So let me get this straight. Was
7 this Spring Break for the public -- is Kennedy in
8 public school?

9 A. Yeah, I believe so. So it was a whole
10 week.

11 Q. Right. And it was Spring Break of this
12 year?

13 A. Yes.

14 Q. And as I recall, Spring Break started
15 around --

16 A. The 18th.

17 Q. -- St. Patrick's Day?

18 A. Yes, it started on the day after St.
19 Patrick's Day because St. Patrick's Day was Sunday,
20 being Irish.

21 MS. REID: Yeah, March 18th is the Monday.

22 THE WITNESS: Yeah.

23 BY MS. KING:

24 Q. Or that Friday, depending on when you
25 start.

1 A. Right.

2 Q. So did you come to Palm Beach County to
3 send time with Nicole before going down to swim with
4 the dolphins?

5 A. I was there that weekend because I was in
6 the process of training for a triathlon that just
7 happened this couple -- last week and I was up there
8 that weekend.

9 Q. So the weekend of March 15, 16, 17?

10 A. Yes. I don't know what day I arrived. It
11 may have been that Sunday. But I was there.

12 Q. Don't you train for the triathlons in the
13 Keys probably more than --

14 A. You can, but 441 seems to have a great
15 open road and Jog Road. Where I was going to be
16 training -- this race was in Tampa. I wanted to
17 assimilate the environment. Plus in the Keys it
18 gets boring.

19 Q. Okay. So at that point in time, this is
20 pre-retraining order, how many times had you spent
21 at Nicole's -- how many nights had you spent at
22 Nicole's house prior to March of 2019?

23 A. I'm not quite sure. Maybe a couple other
24 times. Because, like I said, I had a marathon in
25 Fort Lauderdale and then I know I was coming up and

1 I was training. I was every Saturday on the bike.

2 But I couldn't tell you how many nights.

3 Q. When did that start where you would spend
4 the night at Nicole's house?

5 A. Probably in late February.

6 Q. Okay. So you're in Palm Beach County
7 sometime the weekend of March 15, 16 or 17?

8 A. Yes.

9 Q. And then you stay on to that Monday?

10 A. Yes.

11 Q. All right. And then the plan is to go
12 down -- and Tuesday, you spent the night Tuesday?

13 A. Yes.

14 Q. The 19th?

15 A. Yes. And then we went down to the Keys on
16 Wednesday and then came back on Friday.

17 Q. So you would have been right there with
18 Nicole when Bethany is asking her where you're
19 going, right?

20 A. Well, like I said, I was taking care of
21 Kennedy. Nicole went to work that Tuesday after she
22 received some very troubling information from
23 Kennedy from your client and she went to work. I
24 stayed with Kennedy. And then the next time I saw
25 Nicole was after 5:00 when she returned with the

1 restraining order.

2 Q. What day was the restraining order?

3 A. Tuesday. Beth dropped Kennedy off Tuesday
4 morning and that was the last time she had contact
5 with her.

6 Q. Okay. So it's not your testimony that
7 you're there to take care of Kennedy all the time
8 because Bethany was in her life, at that point there
9 was no restraining order, right?

10 A. No, my -- you asked how many -- you asked
11 how many times I've been there and I said since --
12 I've been there much more since your client has
13 ceased any contact with Kennedy.

14 Q. And probably Nicole coming down to your
15 house too?

16 A. No, Nicole's -- I'm sorry, you're
17 asking --

18 Q. Since March 2019, has Nicole been down to
19 your house?

20 A. She came down with her co-worker Dani
21 Moschella for the sentencing hearing of Christine --
22 Lacy Morris, which was a Friday in April. I'm not
23 sure which date it was. Maybe the 14th or 18th.
24 I'm not sure.

25 Q. Okay.

1 A. And that's the only two times that
2 Ms. Guerriero has been at my house.

3 Q. Do you live with anybody else?

4 A. Yes.

5 Q. Who else do you live with?

6 A. I mean, is it relevant as to my roommates?

7 Q. Yeah. Who else do you -- you don't have
8 to give me an address. Who do you live with?

9 A. Well, my address is listed, so ...

10 Leni. I don't know her first name. I
11 don't know -- I know that's her nickname. She
12 resides at the same house. Leni McDaniels.

13 Q. Oh, it's a woman that goes by the name --

14 A. Yeah, her name's Leni.

15 Q. How long have you lived with Leni?

16 A. Moved in I believe January this year from
17 my old address.

18 Q. Now, do you own that house?

19 A. No, we rent, rent.

20 Q. Do you rent from Leni?

21 A. No, Leni and I rent from another
22 individual. And I couldn't for the life of you tell
23 me -- tell you who it is because I don't -- I don't
24 believe I got a copy of the contract.

25 Q. What does Leni do?

1 A. She works at the Escape Room down in Key
2 West and she also works for cleaning -- a cleaning
3 company that has contracts throughout Key West.

4 Q. Okay. Did you know her before moving in
5 with her?

6 A. Yes. Yeah. I've known Leni for years.

7 Q. Anybody else there?

8 A. No. Just my dogs.

9 Q. Okay. So then the restraining order comes
10 in and then you just get in the car and go, right?

11 A. No, we --

12 Q. Or it was the next day?

13 A. The next day we do go down to the Keys.

14 Q. Have you ever seen the marital settlement
15 agreement between --

16 A. Yes.

17 Q. Why are you looking at the marital
18 settlement agreement?

19 A. Being placed in the middle of this, I am
20 going to be familiar with everything that could
21 potentially, like, be asked about this case.

22 Q. I mean, that didn't involve you, right?

23 A. I skimmed through the marital settlement
24 agreement. I skimmed through the parenting plan as
25 well.

1 Q. Was that to determine if she had to give
2 up the address where she was taking Kennedy, which
3 she didn't want to do?

4 A. No. I would have never provided
5 Ms. Guerriero legal advice.

6 Q. Your testimony is you've never provided
7 her legal advice? Is that what you said?

8 A. Correct.

9 Q. I mean, you said I have your address. Is
10 that because I was able to subpoena you?

11 A. Oh, you're right, you subpoenaed me from
12 the state attorney, that's right, that's where I
13 was.

14 Q. But you said your address is known. How
15 is your address known?

16 A. Well, I'm sure -- I mean, I don't know if
17 you put my name in if it comes up because we just
18 moved in, but I haven't registered a phone number.
19 So -- but we do -- we do have the same protection as
20 law enforcement to block our addresses and I'm just
21 wondering if when I moved that block continued. I
22 just haven't done a search.

23 Q. Okay. So you may have a confidential
24 address?

25 A. I may have a confidential address. I just

1 don't know if it transferred over when I moved into
2 a new location, if I had to redo it.

3 Q. Who is Charlie Navarro?

4 A. A person your client is obsessed with and
5 used to harass Nicole about.

6 Q. Have you ever spoken to Charlie?

7 A. No.

8 Q. Have you ever spoken to Amy Johnson?

9 A. No.

10 Q. So your fund of information is obviously
11 Nicole?

12 A. And the text messages, the e-mails, yeah.

13 Q. Right.

14 So you as a friend are just reading these
15 44,000 text messages and e-mails?

16 A. As both a friend and a person concerned
17 with your client's behavior. She -- she started
18 making -- sending e-mails about me calling me a
19 monkey, telling me I was jumping through hoops, that
20 I'm the new distraction and made comments to Kennedy
21 about me to make sure that I would hear the
22 messages.

23 Q. Well, you don't know what she said to
24 Kennedy.

25 A. I do know. Well, I know -- I doubt a nine

1 year old would use the language that Kennedy used.

2 Q. Would you know that Kennedy said Miss
3 Colleen is sleeping over with mommy every couple of
4 weekends?

5 A. I wouldn't put it past Kennedy to say
6 that. But sleeping with mommy, I think that would
7 be a play on words. And she's nine years old.

8 Q. Right. So that was my point, which is
9 we're relying on a child, which really isn't fair.

10 A. No, it's not fair, but when she says tell
11 Miss Colleen thank you for taking care of you since
12 your mommy doesn't, I don't think a nine year old's
13 going to come up with that. I don't think a nine
14 year old's going to make some of the statements that
15 she did on that Tuesday morning.

16 Q. Did you read the text messages where
17 Nicole talks about Kennedy in a way that is really
18 not very flattering or motherly?

19 A. I'd ask you to tell me which one because
20 the text messages I've read with Nicole talking
21 about Kennedy is don't text me unless it's about
22 Kennedy.

23 Q. No, I'm talking about when she talks to
24 Bethany about the child and how she describes her
25 own daughter, did you read all those?

1 A. I do not recall her describing her --
2 you'd have to tell me how you think it would be
3 disparaging or not so nice.

4 Q. So --

5 A. I mean, what did she say? Because I've
6 read them.

7 Q. She talks about her in a way that's -- you
8 know, essentially ignore her. She calls her
9 unflattering names. This is Nicole talking about
10 Kennedy.

11 A. That's in response -- yes, okay. So being
12 around Kennedy, she has this sassiness about her.
13 So the two of them would start talking about her
14 being sassy or Kennedy doing something, and Bethany
15 joins in and says I'm about ready -- I think she
16 says things like I can't take this child anymore.

17 So put it in the context of what they're
18 talking about. They both talk and identify about
19 how sassy Kennedy could be.

20 Q. So the adoption was literally a month
21 before Nicole decided she wants Bethany to separate?

22 A. I believe that's incorrect. According to
23 the text messages I've read and speaking to Nicole,
24 there were issues with the two of them prior and
25 then I believe in April she says we're done and then

1 she allows Bethany to stay in the house for many,
2 many months.

3 Q. When was the adoption?

4 A. I think it was a few months. I don't
5 think it was one month. I think it was a few months
6 at least.

7 Q. It was a month and half before. It was in
8 February.

9 A. But that would be the official, but they
10 had the child for many -- for longer.

11 Q. Right.

12 So you're aware as a state attorney that
13 DCF turns over all sorts of information before
14 they'll place a child in a relationship, right?

15 A. I'm not completely aware of DCF's
16 procedure, but --

17 Q. They're not just going to hand over a kid.

18 A. Well, no, they're not going to. But I
19 don't think there's ever been an allegation that
20 your client has been bad towards Kennedy. It's been
21 her behavior towards Nicole.

22 Q. But you would agree they're also analyzing
23 the stability of the relationship they're placing
24 the child in, right?

25 A. And I think -- they could be, but the

1 stability of the relationship can deteriorate. And
2 I believe what you're missing is that Nicole put up
3 with a lot and she had -- she never had any -- from
4 what I've read, she's never had any issue with how
5 Beth is with Kennedy. Her obsession is with Nicole.

6 Q. But all those things as far as stability
7 of the relationship if asked by DCF, then Nicole was
8 indicating everything was hunky-dory through the --
9 I mean, they fostered her. So this had to be -- you
10 know, even to adopt a dog they come and do home
11 visits and the whole nine yards and they're asking
12 all sorts of questions.

13 A. Right.

14 Q. So, I mean, from what you've read, it's
15 just what Nicole fed to Stephanie, right? You don't
16 know --

17 A. No, I've read the whole phone dump. I
18 read 44,000 -- I mean, I've read the text messages.
19 There's e-mails. There's screenshots. There's --
20 everything that you -- I mean, it's in --

21 Q. So the whole phone dump, meaning beyond
22 just the Cellebrite, you went and looked at what
23 they put in evidence?

24 A. Yeah, I have it.

25 Q. Okay. Where did you get that?

1 A. Public records request.

2 Q. You did one?

3 A. Yeah.

4 Q. When did you do that?

5 A. A couple weeks ago.

6 Q. And who did you submit the request to?

7 A. I requested it from the Delray Beach
8 Police Department through their --

9 Q. Who did you deal with there?

10 A. I don't know. It's a portal that you just
11 put in -- you put a request and then they say it's
12 available and then --

13 Q. And none of it was redacted or excised?

14 A. I think there was some redaction, yeah. I
15 mean, it was whatever was -- what I asked for was
16 the public records request of all documents
17 disclosed or provided in any public records request
18 under that case number.

19 So whatever -- if someone does a public
20 records request under this case number, I'm asking
21 for the same copy. So I'm assuming it would be the
22 same copy that you would get or you would get or
23 someone, you know, would get. So I have redactions
24 and it has all the text messages.

25 Q. So the public records request was for what

1 other people had requested?

2 A. No, it's please -- I believe the language
3 was please provide -- I'm requesting all documents
4 that have been provided in any public records
5 request under this case number, and then I sent it.

6 Q. Okay.

7 A. And it was that case number in the
8 criminal case.

9 Q. And have you sat there with Nicole and
10 read these things?

11 A. No, no. I read them myself and read the
12 e-mails.

13 Q. Okay. You would agree in reviewing that
14 there was basically an indication from Nicole to
15 Stephanie Baker I don't want you to do anything with
16 this, I don't want you to contact Bethany about any
17 of this?

18 A. I did see a form that back in, I don't
19 remember, September maybe or whatever the first --
20 after the first reporting that she did make a
21 statement. Because you never know how Beth's going
22 to treat her, how she was going to act.

23 I mean, I understand why she did that. I
24 mean, I know why she didn't go forward.

25 Q. But she never avails herself of what

1 Stephanie Baker tells her, which is go file a
2 restraining order, go file a police -- you know,
3 actually take action on the prosecution. She
4 doesn't avail herself of any of those things, right?

5 A. For reasons.

6 Q. Well, the reason seems -- the date of the
7 restraining order is the same date that actually
8 Bethany first by herself is asking and the
9 communications are what is the address you're taking
10 the child. She doesn't want to do it, and then she
11 goes and gets a restraining order the same day.

12 A. Well, yes, there's a -- the day is the
13 same, but this process was happening well before
14 that. I mean, the request -- the restraining order
15 was happening. She was authoring that summary and
16 doing all of this stuff and it just so happened it
17 was Tuesday she got the restraining order.

18 Q. Just a coincidence?

19 A. Absolutely. I mean --

20 Q. Okay. So when she's asked to provide the
21 address and actually prints the police report the
22 same morning as the TRO, that's all coincidence,
23 meaning Bethany?

24 A. Coincidence to what? I mean, you can say
25 it's the same day, but I can tell you that the --

1 the trauma and what she was going through had
2 already been happening. The report, I believe, was
3 finalized on Tuesday and she went to get the
4 restraining order.

5 Q. Well, you've dealt with --

6 A. But Nicole -- but here's the other thing.
7 Bethany knew a while prior to that Tuesday that she
8 was going to the Keys. She knew that.

9 Q. So there was an objection to providing a
10 location for where the child was going to be?

11 A. There was an -- you'll have to ask her. I
12 can't speak for Nicole, but I know that the address
13 was not provided because she was concerned about how
14 her behavior was in the past. And I actually was
15 concerned, but --

16 Q. So in dealing with witnesses and victims
17 in criminal cases and you have an allegation of
18 stalking --

19 A. Right.

20 Q. -- and you have a witness who contends,
21 well, I don't like all these communications, but
22 then goes out to dinner with their -- you know,
23 their purported abuser or stalker or then sleeps
24 with them, would you not look at that kind of from a
25 standpoint of you are involved and engaged in the

1 participation of -- or participating with the
2 communications and all of a sudden I don't like that
3 last message, so now we're going to pull the trigger
4 and move with this criminal investigation?

5 A. Well, I'm certainly not going to answer
6 that hypothetical because it has -- it's not even
7 close to what was going on in this case, it's not.

8 Q. Well, you've read all these messages. I
9 mean, she's spending the night over at Bethany's
10 house. They're both --

11 A. When her AC was broken in the hurricane
12 and she had no -- she had none. And I believe that
13 was the only time.

14 Q. Were you aware she went to visit her in
15 the hospital, Nicole went to visit Bethany in the
16 hospital?

17 A. After Bethany told her that she had heart
18 problems and manipulated her and basically guilted
19 her into going there.

20 I've read -- have you read them all?
21 Because if you read them all and put them in
22 context --

23 Q. She goes to the hospital to visit her.
24 Does that sound like she's stalked?

25 A. Because the woman -- if stalking was just

1 in a -- stalking, in my experience, it's not about I
2 like you one day, I don't like you the other day.
3 You have over two years of harassment.

4 And it's just like domestic abuse; if I
5 punch you now and I love you tomorrow, it doesn't
6 negate what you did to me the day before.

7 Q. So could you go back two years later and
8 say I want to prosecute the person --

9 A. No.

10 Q. -- for punching me two years before?

11 A. Well, the problem with that analogy is
12 that Ms. -- your client gave Ms. Guerriero a year
13 and a half additional information that was basis for
14 stalking, like, tracking, tracking WhatsApp. All of
15 that stuff happened.

16 Q. Two months prior to her indicating to
17 Stephanie Baker they're out to dinner, she's buying
18 her fancy handbags or she's visiting her in the
19 hospital. It's kind of this idea that whenever now
20 the person perceives it as, you know, the point
21 where she wants to pull the trigger and have
22 somebody arrested, the stuff that comes before it is
23 relevant.

24 A. Well, the problem --

25 Q. All the good stuff is relevant too, right?

1 A. Well, the problem with that is, one, I
2 thank god police officers don't pull the trigger to
3 make an arrest. The state attorney's office
4 approves the arrest.

5 As far as the gifts and stuff, again, I
6 think you have to put it into context. Those gifts
7 were given in the presence of Kennedy. The things
8 that Ms. Guerriero did --

9 Q. Why did she accept them?

10 A. Would you -- would you -- if a little girl
11 is standing in front of you and the woman is giving
12 you a gift, you expected Ms. Guerriero to say I
13 don't want that? That's putting the child in the
14 middle, and that's what she didn't do.

15 But the problem with your analogy is
16 you're looking at it in isolation. Yes, there were
17 times that they did get along, but the person you
18 need to ask those questions as to why that was
19 happening is Ms. Guerriero because you don't want to
20 spur the fire.

21 Q. Well, as a prosecutor, wouldn't you say to
22 your witness in preparing them, really, you went --
23 you spent the night at her house?

24 They were at each other's houses all the
25 time. There are ways to raise children through

1 divorce where it's not -- there are no boundaries.
2 And then when one wants to put up boundaries, the up
3 and the down, you do have to look contextually at
4 the whole history of it. And Nicole doesn't do
5 anything by telling Stephanie Baker don't contact
6 her. There is no -- there is no advance. It's just
7 kind of, okay, now go have her arrested.

8 A. No, she didn't. And that's where you -- I
9 suggest that you read the text messages or ask --

10 Q. I did.

11 A. All 44,000 of them?

12 Q. Yeah.

13 A. So you missed the part where Ms. Guerriero
14 tells her I had to sleep with my gun, I thought you
15 were going to kill me. And your client admits to
16 doing --

17 Q. And then she goes and stays at her house.
18 It's kind of hard to take seriously.

19 A. No, she goes and stays at her house
20 because she had no AC and there was the hurricane.
21 And I don't believe your client was there when she
22 stayed at the house. So I would -- I would --
23 again, the problem is every single time your client
24 didn't get an answer she wanted, she would throw
25 things in Ms. Guerriero's face. She would then --

1 she admitted to doing things that as an officer she
2 should be embarrassed. I'm shocked.

3 Q. Then why not just get a restraining
4 order --

5 A. But it doesn't --

6 Q. -- and stop this instead of having
7 somebody -- using your own department to have
8 somebody arrested?

9 A. Oh, using -- no. First of all, using your
10 own department, she made a report to the agency in
11 which they both live. I believe it was cleared by
12 the chain of command and --

13 Q. How do you know that?

14 A. Because I'm sure that you've asked those
15 questions and I'm sure that they wouldn't just go
16 willy-nilly on this. There's no problem with this.

17 Q. So have you talked with Stephanie Baker?

18 A. I've spoken to her because she --

19 Q. Tell me about that.

20 A. I told her I was a witness. I knew she
21 had a deposition.

22 Q. Did you call her? Tell me --

23 A. No. I saw Stephanie. I swam at the Aqua
24 Crest Pool when I was up swimming. I had met
25 Stephanie and you had subpoenaed me and I said I'm a

1 witness. And we did not --

2 Q. You just happened to run into each other?

3 A. No, I was up here. I know Stephanie.

4 Q. Okay. You saw Stephanie at the pool?

5 A. No, I saw Stephanie when I went to the
6 pool. She works at the training facility, which is
7 across the street from the pool.

8 Q. Okay. Did you go over to the training
9 facility --

10 A. Yes.

11 Q. -- to talk to her?

12 A. Yes.

13 Q. You sought her out?

14 A. I sought her out because I had met her in
15 the Keys and I was in the area and I went by to say
16 hi.

17 Q. So you're friends with Stephanie too?

18 A. I just met her in February.

19 Q. In February?

20 A. It was this year, February this year.

21 Q. Okay. And so you go across the street and
22 tell her what? And when was this?

23 A. It was probably in March or end of March,
24 I think.

25 Q. And what did you tell her?

1 A. We didn't talk about the facts of the
2 case. She knew I had a race coming up, so she was
3 asking how the training was going.

4 Q. How did she know that?

5 A. Because I said I met her in February and
6 pretty much this triathlon was the focus of my
7 attention for many months.

8 Q. So where did you meet her in February?

9 A. In Key West.

10 Q. Who was she with?

11 A. She was with Millie -- I don't know her
12 last name -- and Nicole.

13 Q. Okay. So Nicole and Millie come down to
14 Key West?

15 A. With Stephanie because --

16 Q. And Stephanie?

17 A. Yes. Millie works for hotels and I
18 believe they were just down for Millie's work.

19 Q. Okay. So they were vacationing together;
20 Nicole, Millie and Stephanie?

21 A. Yeah. I don't know how many days they
22 were down there.

23 Q. Okay.

24 A. And we -- I met them because we had the
25 plea coming up on Christine's case.

1 Q. So Millie, Nicole, and Stephanie are good
2 friends?

3 A. I wouldn't be able to say how close they
4 are. I know Millie and Nicole are -- I think their
5 history goes past Steph. I don't know how their
6 relationship is with Steph.

7 Q. So the three of them take a vacation
8 together in the Keys?

9 A. Again --

10 Q. Where do they stay?

11 A. Sunset Key, I think.

12 Q. They don't stay at your house?

13 A. No. My place is --

14 Q. Who does Millie work for?

15 A. No clue.

16 Q. But you said hotels?

17 A. I think something like that because I
18 believe her job requires her -- that was the whole
19 Sanibel trip. When your client tracked Nicole down
20 in Sanibel, she was with Millie.

21 Q. They weren't in Sanibel. They were in --

22 A. No, I'm saying Millie's job is with
23 hotels. Because at one other time they went
24 somewhere in Sanibel for Millie's work and that's
25 where your client had tracked her down too.

1 Q. Well, did anybody call Bank of America to
2 actually -- or actually get the phone records to
3 determine if this was how this happened?

4 A. It's pretty -- I didn't. But, I mean,
5 it's pretty --

6 Q. Because you know a lot about this. For
7 somebody's who's just kind of tangentially involved
8 with Nicole, you seem to know a lot about all --

9 A. It has nothing to do with -- it has
10 nothing to do with Nicole. It has everything to do
11 with your client. When she started calling me a
12 monkey, when she started making disparaging comments
13 and I saw what she did and I was witness to the
14 reaction and the comments, you better believe I
15 started reading about it because I am not going to
16 be her next subject to the extent that she did with
17 Mr. Navarro.

18 Q. Well, Charlie Navarro isn't a petitioner
19 in the restraining order, right?

20 A. No. The petitioner is Nicole because she
21 used -- that's how she harassed -- that's how your
22 client harassed Nicole.

23 Q. Well, did you ever call Charlie and say,
24 look --

25 A. Why would I ever do that? Why?

1 Q. Have you ever spoken to him?

2 A. No.

3 Q. You're aware that's Nicole's ex-boyfriend?

4 A. I do not know the relationship.

5 Q. What did she tell you?

6 A. We don't talk about Charlie Navarro. We
7 don't talk about this case. This is the last thing
8 we want to talk about, other than the fact that your
9 client has put me in the middle of it again.

10 Q. So Nicole's never told you about Charlie?

11 A. No.

12 Q. Okay. He would never live with her,
13 right? Charlie never lived with her, right?

14 A. Those questions would be best asked to
15 Nicole.

16 Q. Okay. Let's go back to the vacation with
17 Millie and Nicole and Stephanie. How many days were
18 they down in the Keys?

19 A. As I said, I don't know. I met -- I met
20 Nicole for lunch one day and then the other two
21 people that evening and they returned the next day.

22 Q. So at least two days they were down there?

23 A. At least two days, yes.

24 Q. And that was in February?

25 A. I believe it was in February, yes.

1 Q. Stephanie, other than the time in February
2 and then you talked about talking with her recently
3 at the pool --

4 A. Not at the pool. When I went to the pool.
5 But yeah.

6 Q. Have you had other conversations with
7 Stephanie or other personal interactions with
8 Stephanie Baker?

9 A. I mean, I'm sure we've -- I mean, I spoke
10 to her on the phone about my race because she was
11 asking about my race, but that's about it. Like I
12 said, I don't know her very well. It's just she
13 happened to be there in Key West and she --

14 Q. Did you guys party together, go out?

15 A. I wouldn't use the word party. We went to
16 dinner. We all went to dinner. But we didn't
17 party, that's for sure.

18 Q. Social media posts, have you taken those
19 down, the ones where you've got pictures with you
20 and Nicole? Did you scrub your social media about
21 her?

22 A. No, I did not scrub my social media. My
23 social media's public. And I believe the only
24 photos I had of Nicole were Nicole, Kennedy and I,
25 maybe Nicole, Dani and I. And I have not removed

1 any photos.

2 And to be honest with you, I don't even
3 know what I post. I may have been tagged in things.
4 And if I was tagged in things and people took it
5 down, I have no control over whether it was deleted.

6 Q. What social media are you on?

7 A. Facebook.

8 Q. Are you on Instagram?

9 A. I can't understand it, no.

10 Q. Twitter?

11 A. Oh, absolutely not. That's even worse.

12 Q. Okay. So you say you had a phone call
13 with Stephanie. Tell me, how did that happen?

14 A. Like I said, it was probably about my
15 race. I mean, we don't talk --

16 Q. Did you call her or did she call you?

17 A. I'm not sure if she called me or I called
18 her. Again, it was about my race.

19 Q. Well, is Stephanie a triathlete? Like,
20 why is she calling you, or vice versa, about your
21 race?

22 A. She was -- well, you'd have to ask her,
23 but she was extremely interested in the fact that I
24 swim, run -- swim, bike and run and do Ironmans
25 and --

1 Q. And so she just called you up to chatter
2 chat?

3 A. You have to ask her.

4 Q. When was that?

5 A. But I can tell you that we did not talk
6 about the facts of this case. Again, I don't know
7 when we had that phone call, but it would have been
8 after my race, and my race was a few weeks ago.

9 Q. There was no discussion about the
10 restraining order or subpoenas or anything like
11 that?

12 A. I know better than to speak to witnesses
13 before a deposition.

14 Q. Stephanie, was she at the sentencing
15 hearing --

16 A. No.

17 Q. -- for Braswell?

18 A. No.

19 Q. I mean, whatever her name is, Lacy.

20 A. Lacy Morris, no.

21 Q. Did you divulge to your boss or the
22 defense attorney your relationship with Nicole?

23 A. Again, you presuppose there is a
24 relationship in however you're using it, but I -- my
25 boss met Nicole the first day I met Nicole, and I'm

1 talking Val Winter, my chief. And Ms. Guerriero --

2 Q. So my question is: Have you told your
3 boss at your office about your relationship with
4 her, with Nicole?

5 A. Again, I have not spoken to my boss about
6 Ms. Guerriero.

7 Q. How about the defense attorney for Lacy?
8 Whatever her name is.

9 A. I would wonder why I would have to
10 disclose any of my relationships with a person who's
11 not witness or the victim. And again, it's --

12 Q. Well, you're prosecuting somebody who has
13 killed a police officer, right?

14 I mean, that was really -- up here it was
15 huge news, of course.

16 A. It was huge, yeah. Mr. Hoffman made it
17 huge. But again, you've already done a public
18 records request of my file and the witness list and
19 you will not see Ms. Guerriero's name on the witness
20 list.

21 Q. Okay.

22 A. Nor was she compensated for any time that
23 she -- there was no travel vouchers for her. The
24 only travel vouchers were for the Braswells and
25 Bernenda. I don't believe anyone else. But I can

1 say with a hundred percent Ms. Guerriero wasn't.

2 Q. You agree that, you know, conflicts of
3 interest also rely on the appearance of impropriety,
4 not just, well, maybe the rules say we shouldn't do
5 it, but maybe just the appearance of it, right?

6 A. You'd have to get more specific. It's too
7 broad of a hypothetical to give. I can tell you
8 there is no -- there was no conflict in the Lacy
9 Morris case because Ms. Guerriero -- again, I'm
10 friends with -- all the individuals that came down
11 for that sentencing hearing, I'm friends with.

12 Q. With the Delray Beach Police Department?

13 A. With people from the Delray Beach Police
14 Department, with Miss Bernenda, with plenty -- with
15 the Braswells. I mean, I'm friends with them
16 through the -- through this case.

17 Q. Okay. So I guess the answer is no, you
18 haven't divulged --

19 A. There's no conflict to divulge.

20 Q. Okay. Has your boss met Nicole beyond the
21 first day that you met her?

22 A. And just when I say boss, I mean Val
23 winter. My chief, Val Winter --

24 Q. Oh, is that who you meant?

25 A. Yeah, my boss.

1 Q. Val Winter?

2 A. I don't believe Dennis Ward was present.

3 Val did meet everyone the first time in June, and I
4 believe he saw everyone when they came down for the
5 sentencing hearing.

6 Q. Okay. Do you have an office phone, like
7 cell phone?

8 A. No, no.

9 Q. Have you communicated on your office
10 e-mail with anybody involved in this case?

11 A. Yes.

12 Q. Who?

13 A. No, not in -- well, in this case? I've
14 communicated with the Delray Beach Police
15 Department -- and we should get those records this
16 week -- regarding the Lacy Morris case. That's the
17 only communication I've had. Like, either updating
18 them that the D -- you know, the blood results came
19 back or the DNA came back or here's the sentencing
20 date.

21 Q. And that's all by e-mail?

22 A. That would be by e-mail, yes.

23 Q. Now, involving this case, the Delray Beach
24 case where Nicole is investigated, have you
25 communicated with Delray Beach Police Department

1 about that case?

2 A. Where Bethany was investigated.

3 Q. I'm sorry. Bethany.

4 A. No. Nope.

5 Q. Anybody else that you've communicated
6 with?

7 Well, we talked about Stephanie.

8 A. Uh-huh.

9 Q. And obviously Nicole. Anybody else that
10 you've had communications with about the stalking
11 allegations with her?

12 A. No.

13 Q. You attend family events with Nicole, is
14 that fair to say, meaning with Kennedy?

15 You were at the dance concert this
16 weekend, right?

17 A. The dance --

18 Q. The dance rehearsal, dress rehearsal?

19 A. There was no dance rehearsal this weekend.

20 Q. Is it next weekend?

21 My point --

22 A. Yeah, the rehearsal -- the recital is -- I
23 mean, there's -- the recital is coming up on the
24 19th. Yes, I -- well, in terms of family, I have
25 picked up Kennedy from dance. I've taken her to

1 dance. I've taken Kennedy to --

2 Q. Are you taking off work to do all this?

3 How do you --

4 A. Oh, I took off work for being here because
5 your client's not here. I've taken off work.

6 Q. Does Nicole have family here?

7 A. Her mom's here.

8 Q. Okay. So you drive all the way from the
9 Keys to --

10 A. I don't drive all --

11 Q. -- pick up Kennedy for dance?

12 A. No, I -- as I said, I have come up here
13 and I have assisted with Kennedy. I've also at the
14 same time been able to do activities that you can't
15 do in Key West, one of them being a lot of shopping.

16 Q. Have you ever spoken to Bethany?

17 A. No. I don't even know what she looks
18 like.

19 Q. I mean, was she there at all through any
20 of the funeral with Braswell or --

21 A. No. She was -- no, she wasn't.

22 Q. Were you at any -- were you at the
23 funeral?

24 A. No.

25 Q. You probably weren't engaged on the case

1 at that point. It was probably too soon.

2 A. No, I think we -- we got it immediately.

3 Like, once -- we were waiting for it. You know, we
4 were waiting for the blood results.

5 Q. Uh-huh.

6 A. But we knew it was just a matter of time
7 and then we were going to file.

8 Q. Have you spoken to Stephanie about ways to
9 investigate the case or offered assistance in, hey,
10 you want to try this or look here, look there, that
11 sort of thing?

12 A. No.

13 Q. You never gave advice to law enforcement
14 in their investigation?

15 A. No.

16 Q. Have you spoken to the state attorney's
17 office up here about it?

18 A. No.

19 Q. Has Nicole indicated how she believes that
20 Kennedy is not a victim in the restraining order?

21 If she's afraid for somebody to come to
22 her house, how is it that she excises Kennedy from
23 that?

24 A. I'm not going to speak for -- this isn't
25 the totality of it, but Kennedy's not the victim

1 because there's never been an allegation that --
2 that your client has mistreated Kennedy. Kennedy --
3 she in fact was -- Nicole was adamant that she
4 wanted Beth to continue to see Kennedy and has
5 implored, like, begging you all to just let her see
6 her.

7 Q. So there's no allegation that Nicole is
8 afraid physically for her safety?

9 Because if she's at her house and
10 Kennedy's necessarily at the house, you know,
11 protective restraining orders would cover anybody in
12 the house.

13 A. You would have to ask Nicole, but I would
14 say that she has voiced concern about her being
15 worried about her physical safety. It was in the
16 text messages. She's never been concerned about how
17 Beth is with Kennedy. That's why she sent an e-mail
18 saying please have contact with her.

19 Q. Well, you know as a prosecutor even if
20 children aren't involved -- let's say in a felony
21 battery, right, and some guy hits his wife and it's
22 really serious, they include the kids in that no
23 contact order because they're in the same house,
24 right?

25 A. Not in all cases, no.

1 Q. Well, it's pretty standard if a child is a
2 witness to this.

3 A. Well, your client hasn't even signed the
4 no contact order in the criminal case. So it's not
5 standard. It's --

6 Q. What are you talking about?

7 She was never arrested, by the way. You
8 can take that back to Nicole. They never arrested
9 her.

10 Okay. So --

11 A. Well, if you think --

12 Q. There wasn't a no contact order to sign.

13 A. If you think --

14 Q. She's not evading anything.

15 A. Right. Maybe she wasn't handcuffed, maybe
16 she wasn't handcuffed, but she's -- if you go to --
17 if you go to the website, the clerk's website, it
18 shows the arrest warrant. It shows a bond was
19 posted.

20 Q. She was never physically taken into
21 custody.

22 A. Well, then that's -- I mean, I guess
23 the --

24 Q. Yeah, the little stuff with --

25 A. I guess --

1 Q. -- having her picked up didn't work.

2 A. No, I guess --

3 Q. She was never physically arrested.

4 A. Well, then you know that that's not even
5 proper.

6 Q. I was trying to ask Stephanie. I know, I
7 know.

8 A. But here's the thing, that's not proper.
9 Like, she is required to be arrested.

10 Q. I know Nicole really wanted her arrested
11 and it didn't happen.

12 A. No, there was a warrant. If you're saying
13 she wasn't arrested, then that warrant should be
14 active. You have a court date. You have a court
15 date.

16 Q. Listen, don't -- don't take it from me.
17 I'm just telling you --

18 A. But that's what your client is saying.

19 Q. -- they walked it back. I was here. I
20 would have walked her through. I take care of my
21 clients.

22 A. I would ask your client because I can tell
23 you right now --

24 Q. She never went to jail. She never was
25 arrested.

1 A. But that warrant was cleared. And guess
2 who would have cleared it. It wasn't Delray.

3 Q. The state attorney's office.

4 A. She has a -- she had a warrant. There's a
5 criminal case.

6 Q. Check into it. You know more about this
7 than Nicole does, than Stephanie does. Check into
8 it. She was never arrested.

9 A. No, there's an information filed. There
10 was a warrant. She posted a bond.

11 MS. REID: This is her criminal attorney
12 saying it. Something is not right.

13 THE WITNESS: Okay.

14 MS. REID: It has to be within --

15 THE WITNESS: Then maybe we should look at
16 the Palm Beach Sheriff's Office.

17 BY MS. KING:

18 Q. Because your girlfriend's cops were all
19 over my client's apartment waiting for her to step
20 outside --

21 A. No, I can --

22 Q. -- and she was never arrested.

23 A. First of all, I take -- I again take issue
24 with you calling her my girlfriend. And, secondly,
25 I do not believe anyone was standing outside your

1 client's door waiting for her to be arrested. The
2 only -- I believe the only thing that she was served
3 with was the restraining order.

4 As far as the criminal case --

5 Q. They were waiting for her at her apartment
6 and then she was never arrested.

7 A. Well --

8 Q. She was never forced to turn herself in.
9 It's just the way it was.

10 A. Well, you might want to ask her chief and
11 see how a warrant gets quashed in a state attorney's
12 office.

13 Q. I know. I've never had a phone call from
14 the jail saying your client doesn't need to bring
15 her shower shoes.

16 A. Well, maybe her --

17 Q. I'm sure Nicole will be disappointed.

18 A. Maybe her agency was able to pull some
19 favors.

20 Q. No, they weren't. They wouldn't get
21 involved. I tried to ask them.

22 A. They did get involved. They were there
23 for the restraining order.

24 Q. No, I know all that. No, I know all that,
25 but I'm saying -- no, there was nothing untoward.

1 She -- she was surprised.

2 A. How did she get a court date then?

3 Q. They mailed it to her. I'm telling you,
4 she was never arrested.

5 A. Well --

6 Q. So everybody can just -- Stephanie was
7 surprised. Everybody's disappointed. It just never
8 happened.

9 A. Well, I think it's a play on the word
10 arrest because I know that she was given a notice to
11 appear for her first --

12 Q. But she didn't process through the jail.
13 She didn't have --

14 A. No, right, she wasn't processed through
15 the jail.

16 Q. That's an arrest.

17 A. That's --

18 Q. She was never taken into custody.

19 A. But you can be arrested --

20 Q. She was given a notice to appear. That's
21 what it's called up here.

22 Anyway, so if the investigation entailed
23 Stephanie and then Nicole's report to Stephanie, was
24 there anybody else that you had contact with, with
25 the Delray Beach Police Department chiefs or

1 lieutenant chiefs or prosecutors? Anybody else?

2 A. No.

3 Q. Okay. How many conversations have you had
4 with Nicole about this situation?

5 A. About the situation? I mean --

6 Q. Yes, about Bethany and this restraining
7 order and the --

8 A. We've discussed it. I mean, she knows I'm
9 here for a deposition. She knows that I've read the
10 text messages. I mean, we've discussed it, as you
11 know, because I've answered questions from
12 information that she's provided to me.

13 Q. Yup. Okay.

14 A. But I also was present for the statements
15 that Kennedy made about your client.

16 Q. So has any effort been made to inform DCF
17 about the fact that this adoption that went through
18 in February was -- the marriage was over by April?
19 Are you aware of that?

20 A. I don't see why you would need to, but I'm
21 not aware of anyone contacting -- other than the
22 state attorney's office contacting DCF to have
23 Kennedy interviewed, that's the only knowledge that
24 I have that DCF --

25 Q. Were you there for that interview?

1 A. Oh, god, no, no.

2 Q. DCF came to interview Kennedy?

3 A. From what I was told, DCF interviewed
4 Kennedy at the school and then I believe they went
5 and interviewed Nicole. Then they attempted to
6 interview your client. And I believe that DC --
7 yeah, that's what I know, DCF did that.

8 Q. Nicole told you all this?

9 A. Yeah. Kennedy did too.

10 Q. Okay.

11 A. I mean, Kennedy said "a man came to talk
12 to me."

13 Q. Have you ever told Kennedy I don't want to
14 talk to you about anything having to do with mommy,
15 Bethany or anything like that?

16 Have you had tried to put the brakes on
17 conversations like that?

18 A. Kennedy doesn't talk about -- the only
19 thing that Kennedy brings up is asking questions
20 like why Beth won't respond to text messages or
21 phone calls.

22 And the other thing that's troubling her
23 is this iPad which your client has still not
24 unlocked.

25 Q. Well, now it's evidence, I guess.

1 A. No, it's wiped.

2 Q. Who wiped it? How were they able to wipe
3 it if it was locked?

4 A. I'm telling you it's locked, meaning you
5 can't even -- in order to reset it -- you can reset
6 it. An attempt was made to reset it. When the
7 attempt was made to reset it, it's saying you still
8 can't reset it because it's still connected.

9 Q. Because you made too many attempts?

10 A. No, no, no, because it's still connected
11 to your client's iCloud and it's still connected
12 like Find my Phone.

13 Q. Okay.

14 A. But it's -- you can't do anything with it.
15 So hopefully she will do something.

16 So that's the conversation with Kennedy.
17 She is -- she really wants to know what's going on.

18 Q. Well, that's why I think we just need to
19 get through this hearing. Because we were talking
20 about continuing it, but --

21 A. But you know that -- you know --

22 MS. REID: Well, the client's agreeable to
23 figuring out a time-sharing schedule. She's
24 totally open to that.

25 MS. KING: I'm not -- just like Baker

1 wouldn't answer questions about the family
2 lawyers, I'm not her family attorney.

3 MS. REID: But they told me I had to talk
4 to you about it.

5 MS. KING: I'm not -- I'm not going to
6 because there's also a criminal no contact.

7 THE WITNESS: No, there's isn't.

8 MS. KING: Whether she signed it or not.

9 THE WITNESS: There's not though.

10 MS. KING: Well, she's not going to do
11 anything, especially with the way this
12 investigation has gone down, that's going to
13 put, meaning Bethany, her at risk for what they
14 would do next, like just show up at her
15 apartment --

16 THE WITNESS: But even --

17 MS. KING: -- and arrest her and claim it
18 was violated.

19 THE WITNESS: I just have to tell you,
20 Nellie, this nine year old daughter -- this
21 nine year old kid wants answers. And I know
22 that you're doing your job, but even if you
23 had -- I mean, she's suggesting maybe lunch for
24 Mother's Day. This kid is not going to come
25 back from this. She's been abandoned already.

1 And I don't --

2 MS. KING: I agree with you. Don't get me
3 started with my thoughts on it.

4 This is the problem though, whether it's
5 me or the family lawyers, we have two -- I
6 mean, I would take the criminal no contact
7 order even if she didn't sign it because I've
8 done this work enough to know I'm not going to
9 put her at risk for, oh, I thought this, but
10 really something else was the case.

11 I proposed a global mediation about
12 everything because, to me, a lot of this is
13 just garbage in the sense that -- and I'm not
14 making light of what your -- you know, what
15 Nicole is saying. Have a conversation. Let
16 Stephanie talk to her. I'll bet you none of
17 this would have gone on after somebody like
18 Stephanie Baker said, look, she made this
19 report, it needs to stop or else this is going
20 to happen.

21 THE WITNESS: But she knew about it.
22 Nicole told her.

23 MS. KING: But in a way -- what I'm
24 saying is Bethany -- Nicole kind of endorsed --
25 like, when stuff came up and then she wants to

1 kind of forgive and forget and then come do
2 this and then dinners and this and that -- and,
3 yeah, it's not -- this is not what I would do.
4 If I broke up with someone, it's not what I
5 would do. It's probably not what you would do,
6 not what you would do. None of it's rational.
7 But everybody needs to act like adults.

8 THE WITNESS: Of course.

9 MS. KING: And there was no responsibility
10 taken by Nicole. You know, here's a report, go
11 and interview the person and say unless it
12 stops we're going to have you arrested, unless
13 it the stops we're going to have a restraining
14 order against you.

15 THE WITNESS: Which she was told that and
16 she continued. But I --

17 MS. KING: Right. But I'm saying Nicole
18 continued to --

19 THE WITNESS: You're editorializing your
20 side of the case. I'm just saying from the
21 person who's been with Kennedy -- I understand
22 what you're saying, but I know that she's even
23 suggesting go to lunch for Mother's Day.
24 Someone else can drop off Kennedy. Someone
25 else can -- it could be outside of the county.

1 MS. KING: I'll talk to her law office.

2 MS. REID: I mean, I do it all the time.

3 I'm agreeable to --

4 MS. KING: I'll talk to Charlie about it,
5 but it was kind of -- I mean, the family
6 lawyer, that Brittany, was the one that cut
7 everything off.

8 MS. REID: Yeah. And it's not necessary
9 because I can send an agreed -- we can send an
10 agreed injunction to Judge Burton. He'll sign
11 it instantly. That takes Kennedy out of it.

12 THE WITNESS: The court says she can see
13 her for Mother's Day and it will be absolutely
14 no violation, but it's irreparable what this
15 girl is going through and she wants answer.

16 MS. KING: I'm sure. It's not lost on me.

17 MS. REID: I'm sorry that I have to go.

18 MS. KING: That's okay.

19 THE WITNESS: Did you have --

20 MS. KING: No. Is there anything else you
21 want to add to your statement that either you
22 want to clarify or correct?

23 THE WITNESS: I just ask to read if you do
24 transcribe it and -- I mean, I'm not saying
25 that's the depth of my knowledge, but if you

1 decide you wanted to ask me more questions, you
2 can just reach me.

3 MS. KING: Okay.

4 (Witness excused.)

5 (The deposition was concluded.)

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1 CERTIFICATE OF OATH

2

3

4 THE STATE OF FLORIDA)

5 COUNTY OF PALM BEACH)

6

7 I, Beth L. Kelly, Florida Professional

8 Reporter, Notary Public, State of Florida, certify

9 that COLLEEN DUNNE personally appeared before me on
10 the 6th day of May, 2019, and was duly sworn.

11

Signed this 16th day of May, 2019.

12

13

14

15

Beth L. Kelly, FPR

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1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA)
COUNTY OF PALM BEACH)

4

5 I, BETH L. KELLY, Florida Professional
6 Reporter, certify that I was authorized to and did
stenographically report the deposition of COLLEEN
7 DUNNE; that a review of the transcript was
requested; and that the transcript, Pages 1 through
8 66, is a true and complete record of my stenographic
notes.9 I further certify that I am not a
10 relative, employee, attorney, or counsel of any of
the parties, nor am I a relative or employee of any
11 of the parties' attorney or counsel connected with
the action, nor am I financially interested in the
12 action.13 The certification does not apply to any
reproduction of the same by any means unless under
14 the direct control and/or direction of the reporter.

15 Dated this 16th day of May, 2019.

16

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Beth L. Kelly, FPR

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West Palm Beach, FL 33401
(561) 833-7811

MAY 16, 2019

COLLEEN DUNNE
OFFICE OF THE STATE ATTORNEY
530 Whitehead Street, Suite 301
Key West, FL 33040

IN RE: NICOLE GUERRIERO vs. BETHANY GUERRIERO

Dear Ms. Dunne:

This letter is to inform you that your deposition taken on MONDAY, MAY 6, 2019, in the above-captioned matter, has been completed and is ready for you to read and sign.

The transcript is being held in my office. Please make arrangements with my office to read and sign your deposition.

Thank you for your cooperation and prompt attention to this matter.

Sincerely,

BETH L. KELLY, FPR

cc: Nellie King, Esq.

1 E R R A T A S H E E T

2 IN RE: NICOLE GUERRIERO vs. BETHANY GUERRIERO
 3 CASE NO.: 2019DR002547XXXXSB FX
 4 DATE TAKEN: MONDAY, MAY 6, 2019

4 DO NOT WRITE ON TRANSCRIPT -- ENTER CHANGES HERE:

5 Page: _____ Line: _____
 Now reads: _____
 6 Should read: _____
 Reason for Change: _____

7
 Page: _____ Line: _____
 8 Now reads: _____
 Should read: _____
 9 Reason for Change: _____

10 Page: _____ Line: _____
 Now reads: _____
 11 Should read: _____
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12
 Page: _____ Line: _____
 13 Now reads: _____
 Should read: _____
 14 Reason for Change: _____

15 Page: _____ Line: _____
 Now reads: _____
 16 Should read: _____
 Reason for Change: _____

17
 Page: _____ Line: _____
 18 Now reads: _____
 Should read: _____
 19 Reason for Change: _____

20
 21 Under penalties of perjury, I declare that
 I have read my deposition and that it is true and
 22 correct subject to any changes in form or substance
 entered above.

23

24

25

 DATE

 COLLEEN DUNNE